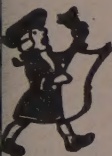


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JULY 18, 1946

Town Meeting



BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

BROADCAST BY STATIONS OF THE AMERICAN BROADCASTING CO.



Can We Have World Peace Without World Law?

Acting Moderator, HOUSTON PETERSON

Speakers

CLARK EICHELBERGER
T. V. SMITH

ROBERT LEE HUMBER
LEO CHERNE

(See also page 12)

COMING

—July 25, 1946—

Can We Keep on Friendly Terms With Russia?

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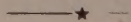
★ ★ ★ C O N T E N T S ★ ★ ★

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THE BROADCAST OF JULY 25:

"Can We Keep On Friendly Terms With Russia?"



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BULLETIN OF AMERICA'S TOWN MEETING OF THE AIR

GEORGE V. DENNY, JR., MODERATOR



JULY 18, 1946

VOL. 12, No. 12

Can We Have World Peace Without World Law?

Announcer:

Welcome, friends, to America's Town Meeting of the Air, originating for the third successive week from Chautauqua Institution on famed Lake Chautauqua, New York. As part of its well-rounded program of lectures, concerts, operas, and dramatic performances, Chautauqua is proud to welcome again America's best-known radio forum.

Tonight's discussion of the question, "Is World Peace Possible Without World Law?" concludes a series of three broadcasts dealing with the major problems facing the people of the United Nations. The series opened on July 4 with a debate on the Baruch proposals for control of atomic power, and continued last Thursday with a discussion of the question, "Shall the Veto Power in the United Nations Be Abolished?"

Mr. George V. Denny, Jr., founder and moderator of America's

Town Meeting, is at present enjoying a well-earned vacation. In his place, we are happy to have as guest moderator, Mr. Houston Peterson, professor of philosophy at Rutgers University, and editor of the new book, *Great Teachers*. Mr. Peterson. (*Applause.*)

Moderator Peterson:

Good evening, friends. Yes, these three Chautauqua broadcasts are closely connected—How are we to control atomic power? Does the veto undermine the United Nations? And now tonight, at even a deeper level—Is world peace possible without world law?

Every little village, every town, city, state, and country has laws—laws to preserve peace and order. Does it follow that this human globe of ours must have an over-arching system of law if it is to maintain itself in being?

And then we must ask ourselves these further questions: Does the United Nations give us this legal

security? Is the Charter a real body of law with the power of enforcement behind it, or is it merely a set of voluntary agreements that will break down under any serious pressure?

The importance of these questions need not be emphasized. For many, many years speakers have called attention to this shrinking world. Now it is quite definitely shrunk—or shrunken, if you prefer—and we must make the best of it. What that best is we hope to learn tonight from four really wise and widely traveled observers.

Mr. Clark M. Eichelberger, director of the American Association for the United Nations, and T. V. Smith, professor of philosophy of the University of Chicago, say yes, we can have world peace without world law. Leo Cherne, executive director of the Research Institute of America, and Mr. Robert Lee Humber, distinguished attorney, think that world law is necessary before we can hope to have universal peace.

First, let's hear from Mr. T. V. Smith, a former congressman from Illinois, and more recently a colonel in American Military Government, and author of the forthcoming book, *Atomic Power and Moral Faith*. T. V. Smith. (*Applause.*)

Mr. Smith:

If we cannot have world peace without world law, then we cannot have world peace—not now, at

least, for just now we haven't the world law.

We agree with our opponents in wanting peace, in lamenting the absence of world law, and wishing that we had more world law, but we well know that neither our much-agreeing, nor our more-lamenting, nor the most possible wishing will give us more world law. Law is not magic to be marvelously produced from some Aladdin's lamp.

It is not miraculously conceived, nor born of a virgin, nor nurtured in a vacuum. Nor will the world law which now resists production by magic come by presumption. I mean by our claiming that we have it when we haven't.

The law of nature, for instance, on which natural men do not agree, is not an instrument of peace, even if it were a law. Nor a moral law on which moral men do not agree. Nor yet a divine law whose interpretation divides men into different sects. The very fact of not agreeing on what is divine, or moral, or natural, itself prevents any or all these would-be laws from serving as bases to peace.

These short cuts to positive law lack—one and all of them—the one essential thing. They lack not only the very fact of agreement but also the techniques for reaching agreement.

For agreement, you see, is the key word. I am convinced that our opponents tonight haven't the

faintest idea how to get this kind of world law through agreement.

Of course, if they had soda, they'd have Scotch and soda, if they had the Scotch. I'm afraid that our opponents don't even see that if either of our ingredients tonight produces the other, then it is law which grows out of peace, not peace which grows out of law.

They are too honest to resort to the ambiguity of the natural or the moral or the divine, and so claim that their world law already exists. They are too intelligent to believe in magic to bring into existence the, as yet, not-agreed upon.

Our opponents have lost their faith in magic, like many of you, without having found faith in the only process which produces democratic law—that is "politicing." As for Mr. Eichelberger and me, we see how law is produced, though whether it will be produced internationally in quantity, no honest man can say in advance.

Law — democratic law — rises through the processes that beget agreement between disagreeing parties. These processes are admittedly slow; they aren't nice; they are noisy; they aren't certain; but they are the only way to produce law that works.

It's politics, ladies and gentlemen, just plain barnyard politics, whether in Brooklyn or in Washington, whether internationally or nationally; and people impatient

with imperfection are not patient with politics. So they produced the wild wind of romantic expectation without the tiniest whirlwind of law enforcement.

Blow all you will tonight, gentlemen. Blow idealistically. But don't you blow against the U.N. building—the only actual world-law power house in existence tonight.

Mr. Eichelberger will show you how much world law there already is in the Charter, and I'm telling you from some knowledge of how law grows here at home, that the United Nations process is the only augury we have now of more world law to come.

If you do not fully disclose your alternative formula to this existing democratic know-how of U.N. negotiation and compromise, gentlemen, then I for one will go away tonight likening you to Chanticleer, the Cock. It was, of course, the cosmos coming to sunrise that caused Chanticleer to crow, not his crowing that cooked up the sunrise.

No, our fine-feathered idealistic friends, law doesn't produce peace—not unless enough peace is already there to produce the law by agreement. Chanticleers never bring the sun up; they only get the hens up.

As a rooster, our Chaucerian friend was, no doubt, a great guy; but as a statesman, let me dub him what he was—Chanticleer, the

Cocky Charlatan—a proud biped who confused symbols with substance and profited in reputation by lustily crowing his confusion abroad. (*Applause.*)

Moderator Peterson:

Thank you, indeed, Mr. Smith. And now for the other side of this question, here is Mr. Robert Lee Humber, attorney, who has been called "a grass roots crusader for world federation." Mr. Humber.

Mr. Humber:

Mr. Smith, I hope the next time that your chanticleer, the cock, crows three times, it will not indicate another great betrayal of civilization by the leaders of a generation, as it did on another solemn moment in human history, but the sunrise of a new epoch, when all the sons and daughters of men will be fellow citizens in a federated world. (*Applause.*)

In this generation, we have already fought two world wars, concluding each with the establishment of an international organization to keep the peace—a League of Nations and a United Nations. Both were basically similar, functioning upon the principle of unabridged national sovereignty.

Neither pretended to be a government empowered to make laws or to confer citizenship. Neither possessed courts with compulsory jurisdiction or with authority to execute its decisions on individuals.

Each was created under the fatal illusion that the only ultimate method of enforcing peace was by war against recalcitrant nations and by exterminating, if necessary, all the inhabitants of a country irrespective of their personal guilt.

To illustrate—this past spring the United Nations requested Russia to withdraw from Iran. Suppose Russia had declined to do so as Japan did in Manchuria, and Italy in Ethiopia?

Either the United Nations would have failed in its duty to protect Iran or it would have demanded war against Russia and proceeded to the destruction of its people.

Surely there is some reasonable middle course between fatal frustration and tragic triumph. If we really want peace, then don't use war as the medium of achieving it.

This is said in no manner disparaging of the United Nations which is performing a magnificent service within its limitations, but this fact should not blind us to the necessity of evolving the United Nations into a more authoritative organ of world peace.

If every generation must fight and resort to war as the means of preserving civilization, soon there will be no civilization left to preserve. What method other than war is there of maintaining peace? History is categorical and convincing in its answer.

Only one principle has ever stabilized community life — law.

which is equally potent and effective in city, state, or national communities. There is no substitute for law if we want order. The terms law and order are synonymous.

When the law enforcement authorities broke down in Boston at the time of the police strike in September, 1919, I saw anarchy in the streets of Boston—no law enforcement: no order.

But only governments can make laws, and leagues are not governments. They pass resolutions. Anything short of government does not produce law. Anything short of law does not produce order.

To have world law, there must be world government. Such a government would obviously be limited in its powers, and consequently, federal in form. This means world federation.

Under it, an American would have triple citizenship. He would be a citizen of a state, his nation, and the world.

Upon him individually the laws of each of these jurisdictions would be enforced by the courts of the respective governments, but in no instance would war be the instrument of enforcement. We would then cease fighting nations, and would execute justice on individuals. Punish the guilty, but not the innocent.

This is the formula for peace. Apply law to the individual and

forget his nation. Go immediately to the factory when the first illicit tank or bomb has been manufactured, and, under law, arrest the manager and his accomplices. Try them in world courts, padlock their apprentices, and you will suppress the armory of war. (*Applause.*)

Someone says, "Isn't there force also behind world law?" The answer is yes. But remember, this force is not military, but judicial—not an army to break the peace, but a constabulary to keep it. Its function is not to fight nations and win martial triumphs, but to preserve order and execute the verdicts of courts. An army is a political instrument. A police force is a judicial arm.

Is this not the answer to our question of the evening? There is no peace without justice, no justice without law, no law without government, and no government without citizens upon whom as individuals the courts can enforce law. We are trying to do something today impossible of achievement—to govern a world community without government; to suppress crime in that community without law; to punish criminals in that community without courts. It can't be done.

Our duty is to eradicate war, stamp it out as a monstrous perversion of the sanity of man. The record of war is its own indictment. For the human race here-

after, it is either law or anarchy.
(*Applause.*)

Moderator Peterson:

Thank you, Mr. Humber. And now, back to the affirmative. Here is Mr. Clark Eichelberger, who has devoted his entire life to the study of world peace. Mr. Eichelberger.
(*Applause.*)

Mr. Eichelberger:

Ladies and gentlemen, after listening to the two previous speakers, I am convinced that the subject tonight conceals rather than reveals the real issue of this discussion.

Everyone believes in some kind of world law. The real issue is between those who believe that a complete system of law among nations or peoples will suddenly be proclaimed, and those of us who believe that we have considerable world law now, and that there will be more through the United Nations.

The opposition chant a rule of law as though there were some mystical formula, and unless the rest of us repeated the phrases decreed, we could not have salvation in the Atomic Age. Whenever anyone mentions the United Nations Charter, they scream a rule of law as though the Charter were not a rule of law. It is to debunk this mystical conception of an international society, springing at once, that Professor T. V. Smith and I are debating this subject tonight.

Law evolves. It grows with experience and an increase in human need. The League of Nations covenant and the Kellogg Pact were parts of the effort to establish a rule of law. These efforts failed, but the fault was not with the law. The fault was with human beings who would neither respect nor enforce the law.

The weakness of the advocates of so-called world government is that they stake everything on the form of the institution which they would set up. They believe that the deep-seated ideological and cultural cleavages in the world today can be met by phrases, rather than by constant effort and understanding.

They are escapists because they will not meet the issues in the only way that they can be met. In none of the present discussions of world government have I heard one single word as to the necessity for a removal of the economic causes of war.

The Charter today is the supreme law of nations. Its very first phrase, "We, the peoples of the United Nations," denies that the Charter is a league of governments rather than peoples.

Article 6, Chapter I, of the Charter provides that all states which are not members of the United Nations are bound to act in accordance, as far as necessary, for the maintenance of international peace and security. In other

words, the Charter proclaims universal rules of law against aggression binding upon all the nations of the world.

The Charter involves considerable limitation upon national sovereignty. The most important limitation is to be found under Article 24, in which the member states confer upon the Security Council primary responsibility in the maintenance of international peace and security. The members of the United Nations agree to carry out the decisions of the Security Council in accordance with the present Charter.

Now the Charter obligates the nations to respect human rights and the essential dignity of the human person. It is now generally recognized that the Charter authorizes intervention in a nation's internal affairs, if its violation of human rights is sufficient to threaten the peace of the world.

An international bill of rights is now being worked out which will eventually become part of international law, with machinery for enforcement. Here is a vast area in which bold men may pioneer through the United Nations Charter.

And if a plan for the control of atomic energy is accepted in which an international authority would lease and operate mines and dangerous plants, with adequate machinery for inspection and punishment of either nations or

individuals, further law will be added, and that through the United Nations.

The greatness of the United Nations Charter is that it lays down great principles and a very considerable machinery by which law can be developed.

Well, then what do the advocates of world government want? Some want a world legislature, elected by the people, with authority to pass laws binding upon you and me. We may evolve to that. I hope so.

But of the two billion people inhabiting this globe, about one and a half billion have never known the experience of representative government as you and I think of it. To believe that without further development and stability—tonight—to believe that a world legislature could be set up with authority to legislate over you and me is fantastic.

Some say that the only system of law will come through a federation of nations. Their error is in believing that some 60 nations, with varied cultural backgrounds and historical experience, could follow the very neat little pattern of the American federal experience.

The American historical experience has been quite exaggerated by those who believe in world federation. The American colonies were always colonies, not independent nations. Ninety-five

per cent of the population had originated in Great Britain and northern Ireland.

I believe that world government is coming, but through very different forms than the federal form. I believe we have considerable of it already, and the Charter contains provisions for developing more. I do not believe we have time to develop the ideal world government picture in the Atomic Age. We can only save ourselves by proceeding through the only way we have—the United Nations. (*Applause.*)

Moderator Peterson:

Thank you, Mr. Eichelberger. Now, our fourth speaker of the evening, Mr. Leo Cherne — the dynamic young economic consultant whose fingers are on numberless channels of information. Mr. Cherne. (*Applause.*)

Mr. Cherne:

Having heard neither my colleague nor me, T. V. Smith was certain, nevertheless, that we were confused. Mr. Eichelberger says that we have a great deal of world law today, with more to come. T. V. Smith says we have none.

I must admit the affirmative has done its best to confuse us, and until they get together and agree whether we have world law today, I don't quite see how they can know whether or how much we need it. And unless you straighten yourself out on that point, T. V.,

even the Horn of Gabriel may sound to you like the crowing of your beloved Chanticleer, the Cock. (*Laughter.*)

Actually, there is one alternative to world law that could produce continuous peace: If one nation by force clearly established itself as the world master, it could, by sheer unchallenged strength, produce peace. That kind of a dubious peace, I take it, is not acceptable to us. We must then face the only two choices left.

The first choice is the one we're living in today—a world that remains at peace as long as each major power wants peace—a world that will remain at peace so long as each nation believes no other nation threatens its security. Let's not delude ourselves. This is precisely the kind of peace which has preceded every war. Peace by agreement is as old as the history of the world.

I know that today's headlines must make unreal even the talk of peace, and so I'd like to recall some lines I wrote when the hopes and headlines of the world were at their highest. As a director of Americans United for World Government, I urged the establishment of the present United Nations. I attended the San Francisco Conference fourteen months ago to share the joy of its birth. I returned to write these words, in a world before atomic energy, before

the war's end, before the disunity and fear we now call peace.

"The great value of San Francisco," I said then, "is that you learn why actually ending the wars of the world is so difficult. Neither the individual governments nor their delegates in San Francisco, nor the people in the countries they represent, are yet willing to take the one real first step that will actually begin to eliminate war. No one nation is yet willing to give up its sovereign power as a nation to live under a higher law.

"One small thought keeps returning to my mind, though I make an effort to suppress it each time. In the future history of our world, wouldn't it have been better if the San Francisco Conference had been a complete failure? Might it not have been better if for some reason the nations had been unable to agree, had become deadlocked, had been compelled to leave San Francisco without any agreement, without any organization established?

"Might the fear of the future then have been so great, the dread of the next war so acute that the nations would have immediately reassembled to take action really necessary to prevent war? Might the peoples of the world, stimulated by the shock of deadlock, have demanded of their governments, as they have not done, that they subordinate themselves to a new international structure, not dependent on the will of the weak-

est link, but stronger than the strongest link?

"When the police have to ask permission of the criminal to act, you have no police. When peace depends on the willingness of any one nation to keep it, war has not been ended."

Those were my views in a day of promise. I would like to underline them tonight. Must we wait, Mr. Eichelberger, until war, to admit that which we know tonight—that the United Nations, good as it is, but *as it is*, is not the barrier to atomic war?

Our peace today is as good as the ability and will of the United States, England, and Russia to keep at peace. It is as good and no better than the agreements these three signed. It is as permanent as it has always been. Our peace will last until the next war.

We shall use it first to prepare *against* that possibility, then finally to prepare *for* that possibility. Or, we shall use this interval we call peace to create a world government based on law. War is one of the oldest accepted forms of international conduct. Only law can make war the crime we pretend it is. Only law can prevent its devastating reoccurrence. (*Applause.*)

Moderator Peterson:

Thank you, thank you, Mr. Cherne. And now, gentlemen, before we let the audience ask you questions, won't you join me here

THE SPEAKERS' COLUMN

HOUSTON PETERSON—Head of the division of social philosophy at The Cooper Union since 1938, Houston Peterson is also a well-known public lecturer and educational broadcaster.

Born in Fresno, California, in 1897, he attended Pomona College in Claremont where he graduated with an A.B. degree in 1919. The following year he received an A.M. from Columbia University, and several years later received a Ph.D. from the same university. Prior to his affiliation with The Cooper Union, Dr. Peterson taught at Rutgers and Columbia Universities.

Besides being the editor of a number of books on poetry and related subjects, Dr. Peterson is the author of several books in his own right, notably *Havelock Ellis: Philosopher of Love*, and *Huxley: The Prophet of Science*.

CLARK M. EICHELBERGER—Mr. Eichelberger was born in Freeport, Illinois, in 1896. He attended Northwestern University and the University of Chicago.

Mr. Eichelberger is the director of the American Association for the United Nations, formerly known as the League of Nations Association, with which organization he has been connected since 1929. He has served as director of the Committee To Study the Organization of Peace, as consultant for the State Department (1942-43), and as consultant to the American Delegation to the San Francisco Conference.

The editor of *Changing World*, Mr. Eichelberger is also the author of the book, *What Was Done at San Francisco*.

THOMAS VERNOR SMITH—Professor of philosophy at the University of Chicago, since 1927, Dr. Smith recently returned from Italy, where he was Director of Education for the Allied Control Commission.

Born in Blanket, Texas, in 1890, he received an A.B. and an A.M. degree from the University of Texas and a Ph.D. from the University of Chicago. He also holds the degrees of LL.D. from Miami

University and of D. Litt. from Florida Southern College.

From 1935 to 1938, T. V. Smith was a member of the Illinois State Senate and from 1939 to 1941 he was U. S. Congressman-at-Large from Illinois. He is the author of a number of books, including *The Democratic Tradition in America*, and *Discipline for Democracy*. His forthcoming books is titled, *Atomic Power and Moral Faith*.

ROBERT LEE HUMBER—Mr. Humber, an international lawyer, is the author of *The Declaration of the Federation of the World*, in which he proposes a world government. He recently was a candidate for the House of Representatives from the first Congressional District of North Carolina.

After completing his studies at Harvard, Mr. Humber attended Oxford University as a Rhodes scholar. He has spent a total of 25 years abroad, during which period he founded the Institute of Public Affairs in Austria. Mr. Humber and his family returned to the United States just before the Nazi invasion of France.

LEO M. CHERNE—Well-known economist and legislative analyst, Mr. Cherne is executive secretary and treasurer of the Research Institute of America, Inc., with which he has been affiliated since 1936.

Born in New York City in 1912, he specialized in journalism and sociology at New York University from 1929-34. From the same university he received an LL.B. degree in 1934. Before joining forces with the Research Institute, Mr. Cherne was editor of the *Putnam Times*, and spent a year practicing law. He has been economic analyst and commentator for the Mutual Broadcasting Company since 1942.

In addition to his writings in connection with the Institute, Mr. Cherne has written numerous articles and books, such as *Adjusting Your Business to New Legislation*, *Guide to Tax Economy*, and *The Rest of Your Life*.

around the microphone? We'll see if we can get to the heart of some of these issues, of course, without letting the crow of Chanticleer or Gabriel's horn become a red herring, if you will forgive the imagery. Mr. Smith, we haven't heard from you for some time. Do

you have a comment or question to start us off with?

Mr. Smith: In spite of Mr. Cherne's confusion, I wonder if he would let me ask him two or three short questions, rather than one long question: Do you understand there is any disagreement between

your side and our side here tonight, Cherne?

Mr. Cherne: Yes, I believe there is some, but not so much as your side pretends.

Mr. Smith: I think there is some, too, but not as much as your side pretends. We're agreed that there is disagreement, although the subject doesn't easily bring it out. How would you think, since you're honest in your opinion, and we're honest in ours, how would you think that we'd get together about this disagreement? If somebody gave an overagreement for us, a world law between us four, would any of us like it? And if not, how would we get together and settle our disagreement?

Mr. Cherne: Oh, I think one of the things that would help us to settle our disagreement would be to examine exactly what it is we mean when we say law—to determine exactly what it is that is required to actually eliminate war as an accepted international instrument.

Mr. Smith: Don't you see I'm not going to agree with anything you say about law, because I think I know more about it than you do? *(Laughter.)*

And you think you know more about it than I do. We aren't going to agree.

Mr. Cherne: I'm perfectly willing, T. V., to start on the basis that you know a great deal more about it than I do, and so I would

give you the first opportunity to indicate how much law you think is necessary in order to eliminate war as an accepted social instrument. I'd let you have first crack at it.

Mr. Peterson: Now, remember, gentlemen, that we take your I.Q.'s for granted, now. Don't worry about your educations.

Mr. Smith: The point is, Cherne, the real difference between us here tonight is that we agree on ends, by and large, all of us, and we may agree on means, mostly, for all I know; but we are disagreed on something. How do honest men in disagreement, who cannot themselves iron out their disagreement, get those disagreements settled? By some over-settlement? Or by tussling it out?

Mr. Cherne: Well, to bring the subject back to the area we've been discussing tonight—the first thing you do within the United Nations is to provide a forum that enables a discussion of these things. The Assembly of the United Nations today is not a legislative body. It has neither the opportunity nor the power to enact the very changes which could produce that which we four seek, and the first thing I would do would be to create an assembly which *has* the power to take those very steps that will enable us to provide law. *(Applause.)*

Mr. Peterson: Thank you, Mr. Cherne. Mr. Eichelberger is

trembling to get in here. Mr. Eichelberger.

Mr. Eichelberger: Well, now that's a very easy thing to say—have another assembly. I'd like to have Mr. Cherne indicate what changes he would make in the assembly. Who would create this assembly?

First of all, will it be an assembly elected by the people in which two-thirds of the world that has never known the democratic process would be able, unfortunately, to outvote our part of the world? I want that kind of an assembly, in time, but only when it's possible.

Mr. Cherne: I'm going to very politely, Clark, suggest that both you and T. V., at this point are using a little demogogy, and I think unwisely, for this reason: Nothing makes as poor listening as my telling you in detail a series of specific amendments which should be passed by the United Nations.—Just a minute, Clark—You are aware of the fact that the Dublin conference, and more recently, Americans United for World Government—of which you once were a director—have prepared very specific amendments to the United Nations Charter, which it is proposed to present to the Assembly this fall—the fall before atomic war—not after, Mr. Eichelberger.

Mr. Peterson: Half-back Eichelberger, get in there.

Mr. Eichelberger: Well, I have never seen a greater amount of nonsense written on any piece of paper than the Dublin Declaration. We haven't got time to go into the details of that, tonight. And the fact of the matter is that the General Assembly is the great forum of nations—it's the parliament of nations. While it cannot pass laws binding upon you and me—and I do not want it yet to have that power—it can work out conventions which, when ratified by the nations, go into effect.

And it can work out agreements that can even affect the lives of the individual, as will be so when the international bill of rights is produced.

Under the Vandenberg amendment, introduced at San Francisco, the General Assembly can discuss and deal with every problem, including problems pertaining to human rights. I hope that the time will come when the General Assembly will have more power.

But here's what worries me tonight. Our friends on the other side take the absolute position, and when we try to pin them down and say, how are you going to get that absolute position? they accuse us of splitting hairs and being demagogues.

Mr. Peterson: Here's Mr. Humber. These northerners are crowding out the southern gentleman.

Mr. Humber: Let me suggest one way of clarifying the situa-

tion, Mr. Eichelberger. We have a United Nations Assembly. Isn't it possible, in the United Nations Assembly, to propose that there be assembled an international convention under its jurisdiction, and to that convention be submitted all the blueprints for the creation of a world government? And when that convention has terminated its labors and formulated the document, let that document then be submitted back to each nation for its ratification, its amendment, or rejection?

By this method, we can evolve the United Nations into a world legislative assembly, and this is a practical step.

Mr. Eichelberger: But you see even then, Mr. Humber, you suggest that the agreements be submitted to the respective governments for ratification. You haven't gotten over your supreme dilemma that you want some divine law to force the nations to accept that which would be produced.

Let me say further that at San Francisco they had the greatest difficulty working out the present charter. Sufficient reaction has set in that if they were to meet again they would not go as far as they did at San Francisco. I think to ask a constitutional convention now to write the charter of world government is doing a tremendous disservice to the only way that we have to proceed.

Mr. Peterson: Yes, Mr. Hum-

ber, a word or two from you, sir.

Mr. Humber: May I just reply to that by saying that in my opinion the San Francisco Charter does not go as far as public opinion of this generation would authorize. (*Applause.*)

Mr. Peterson: Just time for an epigram or two, Mr. Smith, and the same for you, Mr. Cherne.

Mr. Smith: Well, having started this war, I want to say only this. After having reached the utmost of agreement at San Francisco that was possible between the nations—including the utmost that *we* were willing to agree to—as long as our opponents are willing to accept that as the basis for working for what more they want, rather than casting aspersions upon the United Nations and springing into miraculous existence some other law above and beyond agreement, I am content to let the argument rest for the moment.

Mr. Cherne: Fortunately, there are others, Mr. Smith, who are not content to let the argument rest. At San Francisco, Commander Stassen said of the conclusions there: "We have established a beachhead on the road to peace."

We are saying the same. A beachhead is not a victory. The beachhead will not eliminate war. We are suggesting that which every delegation in San Francisco knew full well—that this first step must now, before the next war, be moved into that wide area in

which limited world government, for the first time, establishes law in place of chaos. (*Applause.*)

Mr. Peterson: Thank you, Mr. Cherne. Mr. Eichelberger wants just ten seconds. You can have nine, Mr. Eichelberger.

Mr. Eichelberger: Yes. Mr. Humber said that the majority of the people wanted world government. Possibly, the majority of the people in Chautauqua—but what we Americans do not realize—that we cannot proclaim law for Russians and our two billion people in the world all by ourselves. It's a world agreement—not what you and I want, tonight—that has to come to the world.

Mr. Peterson: Thank you, gentlemen. They're all crowded, and they all want to make speeches. We have to go on, though. But before we take the questions from this large Chautauqua audience, anywhere from five to twenty thousand, we estimate (*laughs*) we'll

pause briefly for station identification.

Announcer: You are listening to America's Town Meeting of the Air, originating tonight from Chautauqua Institution, Chautauqua, New York. Our subject: "Is World Peace Possible Without World Law?" You have just heard from Clark M. Eichelberger, Robert Lee Humber, T. V. Smith, and Leo Cherne.

For your convenience, copies of tonight's discussion, as always, are available in full, including questions and answers, in the Town Meeting Bulletin. You may get it by sending 10 cents to Town Hall, New York 18, New York. You may receive the bulletin regularly each week for a year for \$4.50. The charge for six months is \$2.35, and for eleven weeks, one dollar. Remember the address—Town Hall, New York 18, New York.

QUESTIONS, PLEASE!

Mr. Peterson: As usual, we will award a \$25 United States Savings Bond to the person who, in the opinion of our committee of judges, asks the question which seems best for bringing out the facts and clarifying the discussion. Questions must be limited to 25 words.

Now may we have your ques-

tions, please, ladies and gentlemen. Here I see is a question for Mr. Smith. Yes, sir.

Man: My question is addressed to Mr. Smith. Mr. Smith, is not the world of 1946 in the same position as the loose-leaf federated states of America in 1776 as concerns the need of strong laws to prevent strikes?

Mr. Smith: Now whether the condition is the same, I wouldn't know. It's a very big world here and it was a very little world then. But I know this: We got from little to more to most from 1776 on, by using the machinery we had, rather than by jumping the beach-head and calling our troops back and starting all over once more. It's only that that I'm objecting to tonight. (*Applause.*)

Mr. Peterson: Thank you, Mr. Smith. Mr. Humber, did you want to come in on that quickly? Mr. Cherne?

Mr. Cherne: Yes, I think there's just one important point should be made with reference to our own experience. We started out with a confederation and we very rapidly scrapped the confederation when we realized that despite the unanimity of objectives, the instrument was not capable of achieving the results, and then we took a very long jump to the federation, which grew and grew and grew. (*Applause.*)

Mr. Peterson: Mr. Eichelberger says he can't get away with that. Just a word, Mr. Eichelberger.

Mr. Eichelberger: The thirteen colonies were never independent nations. Ninety per cent of them came from Great Britain and northern Ireland. There is no comparison whatsoever. I believe that world government is going to come through such steps as the Baruch plan—I'd like to know

what Mr. Cherne thinks of it—the Baruch plan as part of the United Nations machinery. And it'll be the least resemblance to federation of anything you could imagine.

Mr. Peterson: They all want to answer four answers to one question, but we can't keep that up. Mr. Humber, there's a Number Two back there.

Man: My question is addressed to Mr. Humber. In your opinion, the peoples of how many nations are ready now to take steps toward world federation to prevent war?

Mr. Humber: In answer to that question, I would say, based upon my experience at San Francisco, where it was my privilege to interview members of over forty delegations, that there exists in the world, at this moment, public support of the principle of world federation in all but just two or three nations. Actually, in the Constitution of France, there was inserted a paragraph, that as and when a world state is brought into existence, the Government of France is authorized to delegate part of its national sovereignty to a world state.

The Prime Minister of Great Britain said last December: "I am prepared to meet with the foreign ministers of all countries to institute a reign of world law," which means the impairment of British national sovereignty.

China, through Chiang Kai-shek, has given its adhesion.

And on through the nations. We have two great nations today which afford the battlefield for this question—the United States and Russia—and let it be said that the American people are firm in their conviction and loyalty to the principle of justice based on law. (*Applause.*)

Mr. Peterson: Thank you very much, Mr. Humber. Now a question for Mr. Eichelberger. The lady on the aisle about sixteen rows back. Yes, madam?

Lady: Mr. Eichelberger. Are not the difficulties of the U.N. today that it is composed of independent nations fighting for their nationalistic ends?

Mr. Eichelberger: I suppose that all nations have certain ends in view. We have, ourselves—security and prosperity. I see nothing out of harmony between nationalistic aims and the better good of the world community, which is the only way that a nation as well as an individual within a community can have the very highest good.

If I might for a moment, if Mr. Humber will forgive me, return to his reply a moment ago—every one of us tonight wants a limited sovereignty. And if I had time—I went through the Charter this afternoon and marked twenty-two places where in the Charter there is a very considerable sacrifice of sovereignty. And the Baruch plan, and the international bill of rights, and other things that are now

being tried will make a very much greater sacrifice of sovereignty.

I was on a State Department committee as a consultant that drafted a plan in which we planned a much greater sacrifice of sovereignty than the present Charter. We all want sacrifices; but before Mr. Humber can say that a certain percentage of the American people or the statesmen of the world favor world government, he must give a better definition. And I would ask him if he believes that the majority of the American people would favor a world parliament in which we would be outvoted—a parliament of peoples passing laws and taxing us, and drafting us in armies—tonight.

Mr. Peterson: Thank you, Mr. Eichelberger. Mr. Cherne wanted to get in that question, but we'll give him a new one. Deep center, there. Yes, sir.

Man: My question is directed to Mr. Cherne. If Hitler could lead a nation to kill tens of millions of humans despite eventual defeat, what protection is world law against such suicidal action?

Mr. Cherne: World law is no protection against such suicidal action. What we're suggesting is that such suicidal action is the inevitable consequence of a world in which national sovereignties are unrestrained. War is not the result of these suicidal maniacs. Both war and the suicidal maniacs are the inevitable consequence of

national rivalry and friction. The world of law is the only antidote, as I'm happy both members of the affirmative also agree.

Mr. Peterson: Thank you, Mr. Cherne. I know you want to go on, but we have found a question for Mr. Smith. Yes, sir.

Man: Mr. Smith, I want to be shown whether, if Moses could not establish a peaceful organization of Israel without law, is it possible to establish world peace without world law?

Mr. Smith: No doubt law goes along with peace. There's no quarrel about that proposition between the speakers tonight; but the great difficulty is that law, unless you can pull it out of the skies, is the most difficult thing under heaven to get for the simple reason that the people from whom it has to be got are not in agreement as to what constitutes justice.

And to keep speaking of world law as though somehow you could get it and it would bring peace, when the reason you can't get it is that the world is not enough in agreement as to what the law ought to be, reminds me again of the only logic that meets the case—that is, that if I had the ham, I'd have ham and eggs, if I had the eggs. (*Applause.*)

Mr. Peterson: Here it is—the chanticleer and Gabriel's horn again. Mr. Cherne. Just a moment, Mr. Cherne.

Mr. Cherne: I just wanted to re-

peat that the subject of tonight's discussion was: Can we have world peace without law? It may be that we can't get world law. It may also be that therefore we can't get world peace, but the question is: Can we have world peace without world law?

Mr. Smith: The point is, Mr. Cherne, that in spite of all the assumptions to the contrary the world is now at peace without much world law. (*Boos and laughter.*) The only peace we've ever known is the peace of negotiation and compromise, and we are deep in that process today. And to speak as though you could get some other kind of peace than the peace the world now has, in order to get more, means that you won't get more because you're trusting to a miracle for the more.

Mr. Peterson: Thank you, Mr. Smith. Here's a young lady right under the guns with a question for Mr. Humber.

Lady: Since the two major nations—America and Russia—have so much suspicion in common these days, how can we expect them to give in to a superior government at this time?

Mr. Humber: My suggestion would be this: Let there be extended an invitation to all nations of the globe to assemble, ventilate this question, embody their agreements, and submit to each nation on this globe the possibility of approving a world constitution or

rejecting it. But do not let us stand on the sidelines here in America and decide by ourselves—that this nation will want world war, this other nation will not accept it. Let the nation itself decide and determine it for itself and by itself.

Some time ago, speaking to a group in New Jersey, I remember that at the conclusion of my talk a woman came to me and said, "I voted against the resolution favoring world federation because Great Britain would not join."

I said, "Madam, wouldn't you permit Great Britain to determine that decision for herself?"

She said, "No, I'll decide it myself."

Mr. Peterson: Thank you very much, Mr. Humber. There's a question for Mr. Eichelberger.

Man: Can you have effective international policing without world government, and can you have government without law?

Mr. Eichelberger: It seems to me, sir, that in that question you have repeated almost all the clichés of the other side this evening. Now, the whole issue of this discussion tonight, as far as I'm concerned, is this.

Are we going to have complete promulgation of world law, which no one has attempted to define tonight, at once, with a world legislature, delegates elected by the peoples in a world in which democracy doesn't go very far? Or

shall we get as much world government through the Charter as we can and then move on, as Mr. Cherne might say, to the next beachhead and to the next? The Charter provides for contingents, and a military staff committee is now working out what the contribution of each nation should be. Without any revision of the Charter at all, you could provide that those men would wear the uniform of the United Nations and have a real international army. I want a real international army.

They talk about having a constitutional convention. If the Baruch plan can be adopted, why, that is a degree of interference of national and individual sovereignty, the like of which no one would have dreamed of a few weeks ago. My friends, it's coming, but it's coming piecemeal, step by step, as we need it; and not in one great proclamation, when no one can define tonight what he'd want in that proclamation. (*Applause.*)

Mr. Peterson: Thank you, Mr. Eichelberger. Here in the second row is a question for Mr. Cherne.

Lady: How can we have permanent peace, even through world law, when there are so many who stand to make profit from war?

Mr. Cherne: There's no doubt at all that there is a profitable market for firearms on the domestic scene, too, but I have a strong feeling that there aren't many men making profit as a re-

sult of sale of firearms to people who would commit murder. There are murders, but it is no longer a profitable market since law made it quite hazardous.

Similarly internationally — the elimination of war as an accepted manner of intercourse among nations will do more to eliminate the profit of war than any action taken against your so-called munitions maker.

I want to take this opportunity, incidentally, of indicating not only my complete support for the Baruch program—the atomic energy proposal—since Mr. Eichelberger has requested it, but also to indicate that the Baruch program is the first action which has been taken since the beginning of the United Nations, including the total action at San Francisco, which, when accepted by the nations, will constitute law. That's why I'm for it. (*Applause.*)

Mr. Peterson: There's a young man with a question for Mr. Smith, I think.

Man: Mr. Smith, why do you refuse to try world federation, when methods which you advocate have always failed and are even now leading us toward another war?

Mr. Smith: I'm not against world federation, and I'm not against world law, but note what happens. Law has to be made; it isn't yet made. Federation has to be achieved; it isn't yet achieved.

Mr. Humber wants to make proposals. That's fine. Mr. Cherne wants to go back and undo San Francisco and start over again. But whether you make the proposals for federation, for instance, or whether you start over again, you will be up against all of the odds you were at San Francisco—my colleague thinks more odds now, and that's perhaps right—you'll be up against the odds that led our Secretary of State, who knows what the odds are of trying to get an agreement, to say the other night, in conclusion:

"I sometimes think our Soviet friends fear we would think them weak and soft if they agreed without a struggle on anything we wanted, even though they wanted it, too."

The only way in which we can get world federation is by getting world federation through the processes already operating—namely, the United Nations and the law-making capacity which it has, however little it may be. (*Applause.*)

Mr. Peterson: Thank you, Mr. Smith. Mr. Cherne insists on just one brief reply.

Mr. Cherne: Yes, I insist on replying to T. V. Smith's statement that I wanted to undo that which has already been done. T. V. Smith knows better. I fought too hard for the United Nations. I believe too much in its promise. I believe too completely that the United Nations is the instrument

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though which world law will yet be achieved.

Mr. Peterson: We have time for just one more question, and it will go to Mr. Humber. The gentleman in the white shirt. (*Laughter.*)

Man: You said that if Russia had refused to get out of Iran, under the United Nations plan there would have been a war. Supposing you had a law. How would that have gotten Russia out without starting a war?

Mr. Humber: To begin with, Russia never would have been in Iran. Because when Russia would have started manufacturing the instruments of war, that would have prepared her to enter Iran, under a world federation the individuals manufacturing those implements of war would have been promptly arrested, and the act would have been terminated before it was born.

Mr. Peterson: Thank you very much, Mr. Humber. Now, while Mr. Humber and Mr. Eichelberger prepare their summaries for tonight's discussion, here's Gene Kirby, to tell you about next week's program. Mr. Kirby.

Mr. Kirby: Next week, again from Chautauqua, New York, our subject will be: "Can We Keep on Friendly Terms With Russia?" The speakers will be Dr. Frank Kingdon, well-known radio commentator, Reuben Markham, foreign correspondent for the *Christian Science Monitor*, Liston Oak, man-

aging editor of the *New Leader*, and one other speaker to be announced.

The guest moderator will be Mr. Harry Overstreet, noted author and lecturer, and one of the trustees of Town Hall.

In case you missed any part of tonight's program, remember you may secure a copy in the *Town Meeting Bulletin*, which is published every week for your convenience. Just send ten cents to Town Hall, New York 18, New York. Now, for summaries of tonight's discussion, here's Mr. Peterson.

Mr. Peterson: And here is Mr. Humber with his summary for the negative. Mr. Humber.

Mr. Humber: It is indeed gratifying for my colleague and myself to arrive at a conclusion of the discussion, realizing that our opponents agree fundamentally with our thesis: There cannot be world peace without world law. That is a fundamental acknowledgment of the need of world law. Now the question whether we can get world law will depend upon the initiative, the intelligence, the courage of this generation.

Let me add just this point—that world law involves action on individuals. That's the secret of world peace. That's the secret of peace and order in any community. Act on the individual. Don't exterminate his city, don't fight his state, don't annihilate the nation,

but act on the individual who's the culprit. Then we'll have peace.

And now, this last thought—in the world today we do not have world law, because we have been evolving the sentiment necessary to produce it and that day for implementing that sentiment has come.

Moderator Peterson: Well, thank you, Mr. Humber. And now, Mr. Eichelberger, with a summary for the affirmative. Mr. Eichelberger.

Mr. Eichelberger: The tragedy of the discussion, and the emphasis on world government in a world of law, is that it takes our minds off very fundamental solutions that must be made if the United Nations is to have a chance to succeed and if we are to move on toward world government and world law, itself.

Not one single word has been said tonight about trusteeship, about colonies, about agreement with Russia, about disarmament, practically nothing about the atomic bomb. None of the great crises today that confront the United Nations have been mentioned. Why? Because we've

been talking about mystical formulae instead of getting on with the job at hand.

The job before us, my friends, is not now a constitutional job. Before the ink on the Charter is dry, our friends want to scrap it and write another, or have a constitutional convention and write another. The job today is a functional job. And in conclusion I would plead with my friends not to disillusion the public today, but to pull with us for the success of the United Nations. (*Applause.*)

Moderator Peterson: Thank you, Clark Eichelberger, Leo Cherne, T. V. Smith, and Robert Lee Humber. And thanks, also, to our hosts, the Chautauqua Institution and Station WJTN, Jamestown, New York.

Our committee of judges has awarded the \$25 United States Savings Bond for the following question: "Can you have effective international policing without world government, and can you have world government without world law?" The bond goes to Mr. William Constable. Congratulations to you, Mr. Constable. (*Applause.*)

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